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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

INDEX NEWSPAPERS LLC, a Washington limited-liability company, dba **PORTLAND MERCURY**; **DOUG BROWN**; **BRIAN CONLEY**; **SAM GEHRKE**; **MATHIEU LEWIS-ROLLAND**; **KAT MAHONEY**; **SERGIO OLMOS**; **JOHN RUDOFF**; **ALEX MILAN TRACY**; **TUCK WOODSTOCK**; **JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal corporation; **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert; **U.S. DEPARTMENT OF HOMELAND SECURITY**; and **U.S. MARSHALS SERVICE**,

Defendants.

Case No. 3:20-cv-1035-SI

**PLAINTIFFS' SUPPLEMENTAL BRIEF
IN SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION AGAINST
FEDERAL DEFENDANTS**

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INJUNCTION AGAINST FEDERAL DEFENDANTS

Plaintiffs respectfully submit this supplemental brief in support of their motion for a preliminary injunction, as requested by the Court during the hearing on August 18, 2020. The following declarants in the record were actually chilled, deterred, or outright prevented from reporting on the protests by the federal agents' conduct:

- After federal agents broke Nate Haberman-Ducey's hand, requiring a splint, Mr. Haberman-Ducey declared: "At the emergency room, the doctors put my broken hand into a splint, which I cannot clean, where it must remain for 4-6 weeks. ... I would like to continue attending and observing the protests but am extremely concerned that the federal agents' endless use of tear gas will contaminate my split. The gas leaves a serious residue on *everything* and I do not see how I will be able to clean my splint or safely observe the protests for the foreseeable future." (Dkt. 61 ¶¶ 8-9.)
- After federal agents shot Plaintiff John Rudoff in the leg, Mr. Rudoff declared: "Despite my desire to continue reporting on and photographing the protests, I do not think that I can work today and probably will not be able to work tomorrow due to this injury and the pain that I am in." (Dkt. 80 ¶ 11.)
- Steve Hickey declared: "I do not intend to continue covering the protests in Portland after tonight, in part because I am fearful that federal agents will injure me even more severely than they did on the night of July 19 and morning of July 20 when they intentionally shot at my face, twice, when I was not even near any protestors." (Dkt. 81 ¶ 16.)
- After federal agents shot Plaintiff Brian Conley with a barrage of munitions and explosives, Mr. Conley declared: "I want to continue covering the protests, but after what happened on July 27-28, I can barely walk." (Dkt. 87 ¶ 25.)
- After federal agents shot her, Kathryn Elsesser declared: "If I am asked to cover the protests again, I would refuse unless I had a bulletproof vest (which are in short

supply in Portland at the moment) to wear because I am fearful that federal agents would injure me or worse.” (Dkt. 89 ¶ 13.)

- Daniel Hollis declared: “After the federal agents shot me, I turned and ran and returned to my hotel.” (Dkt. 91 ¶ 8.)
- After federal agents repeatedly shot her, Amy Katz declared: “Because of how federal agents treated me, I have stopped covering the Portland protests. I fear for my life in the presence of these federal agents who are acting like this is a war zone and who do not care about this Court’s orders or the rule of law. So I left Portland today, even though that means I can’t work as intended. My family and friends also fear for my life.” (Dkt. 117 ¶ 15.)

Dated: August 18, 2020

Respectfully Submitted,

By: /s/ Matthew Borden
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